EXHIBIT “B”

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CITY OF MERCER ISLAND

COMMUNITY PLANNING & DEVELOPMENT
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CITY USE ONLY		
PROJECT#	**APPEAL#**	**FEE**
Date Received:		
Received By:		

APPEAL

SITE ADDRESS OF PROPERTY WHERE THE DECISION IS BEING APPEALED: 5222 Forest Avenue S.E.		
PROPERTY OWNER NAME: Seascape Homes LLC	ADDRESS:	PHONE: E-MAIL:
APPELLANT NAME (If different from property owner): Robert Grossman	ADDRESS: 5249 W Mercer Way, MI 98040	PHONE: 202-509-5183 E-MAIL: reg232@gmail.com
APPELLANT ATTORNEY INFORMATION (if applicable):	ADDRESS:	PHONE: E-MAIL:

What is the decision that you are appealing? Include any applicable project file number.

I am appealing the decision issued on April 14, 2025 in File No. CA024-032.

What are your reasons for appealing this decision? (Attach additional pages if necessary)

(You must indicate specifically that there were substantial errors, the decision is unsupported by the facts presented, the decision is in conflict with the standards for review of the action or there were irregularities in the procedure. Attachments or supporting information may be included.)

Please see the attached response.

What is the outcome or changes in the decision that you are seeking? (Attach additional pages if necessary)

Please see the attached response.

Signature: _____ **Date:** April 28, 2025

What are your reasons for appealing this decision?

The decision should be reversed on the grounds that it not consistent with MICC 19.10.060, which governs tree removal in connection with a development proposal. In particular, the building plans call for the elimination of two exceptional trees with a diameter that exceeds 24" – the mature Douglas fir trees identified as trees 1003 and 1004 on the development plan (in fact, tree 1004 appears to be approximately 36" in diameter; pictures of trees 1004 and 1003 are included below). This should not be approved because MICC 19.10.060(A)(3) provides that new single family dwelling development proposals "shall retain exceptional trees with a diameter of 24 inches or more," except in three specific circumstances, none of which are identified as being present in the development plan. The failure to identify trees 1003 and 1004 in the application as exceptional trees with a diameter greater than 24"—and the decision's resulting failure to ensure that the plan did not violate MICC 19.10.060(A)(3)—was a substantial error.

While the application's failure to satisfy MICC 19.10.060(A)(3) by itself warrants reversing the decision, it should also be noted that the plan does not satisfy MICC 19.10.060(A)(2)(b) because the plan does not prioritize the retention of exceptional trees. This is the case because these exceptional trees are on the only several feet from the edge of the property. The design plan could have easily proposed a large home without removing these exceptional trees.

Finally, note that retention of trees 1003 and 1004 is consistent with the objectives of Chapter 19.10 and in the best interests of the Mercer Island community because these mature trees provide enhanced ecological benefits, even relative to other mature Douglas firs on Mercer Island. For example, the trees are on a site with geological hazardous areas and a watercourse, and thus the soil erosion prevention and water quality benefits of these trees are even greater than other similar firs on Mercer Island.

What is the outcome or changes in the decision that you are seeking?

The purpose of this appeal is not to stop development on this property. However, the design plan must follow the City Code and should therefore be reconfigured to avoid removal of exceptional trees 1003 and 1004 (as noted above, the trees are on the edge of the property, enabling the property owner to still build a substantial home on the site).